IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.3300 OF 2004

IN

FIRST APPEAL STAMP NO.23158 OF 2004

The New India Assurance Co.Ltd. : Petitioners.

versus

Shri Jagannath Ramchandra Jamdade

& ors. : Respondents.

Mr.S.M.Vidyarthi for the petitioners.

Mr.Tejpal Ingale for the respondents.

CORAM : D.G.DESHPANDE,J.

DATED : 14th October 2005.

ORAL ORDER

1. This matter is arising out of workmen's compensation. The petitioners/Insurance Company has deposited the entire amount of award. They have challenged the relationship of employer-employee between respondent No.5 and the original claimant. Counsel for the

respondents/claimants contends that the claimants be permitted to withdraw at least 50% of the amount. Counsel for the insurance company insists that firstly the claimants should not be permitted to withdraw the amount and in any case withdrawal should be against bank guarantee. Looking to the nature of accident and the compensation awarded, the claimants are permitted to withdraw 50% of the amount against security to the satisfaction of the Commissioner, Workmen's Compensation. Remaining amount to be invested as per legal practice. Issue notice to the respondent No.5, returnable six weeks. Stay of execution to continue till the appeal is disposed of. Civil application stands disposed of. Certified copy expedited.

[D.G.DESHPANDE]